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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,786	04/05/2001	Patrick Montoya	10954-003	4084
25006	7590	10/29/2007	EXAMINER	
GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C			LOFTIS, JOHNNA RONEE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/826,786	Applicant(s) MONTOYA, PATRICK	
	Examiner Johnna R. Loftis	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 12-14 and 17-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9, 10, 15, 16 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Prior to the request for continued examination under 37 CFR 1.114, Applicant submitted an Appeal Brief that was found to be non-compliant. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/27/07 has been entered.

Response to Arguments

2. Applicant's arguments filed 9/27/07 have been fully considered but they are not persuasive. Applicant argues that Matyas teaches a buyer requesting survey results for a product of interest to decide whether to purchase the product. Applicant also states that the requested survey and the submitted survey are both related "only and exclusively" to the purchased product, which is exactly the product of interest. However, in the specification of Matyas, they use this scenario for purposes of explaining the invention, but that does not preclude the situation where a user is requesting survey results for several "products of interest", and only chooses one product to purchase. The buyer requests to view survey results for several products (inherently including a composite survey response since the buyer is only buying one product). The buyer fills out a survey for the purchased product that is inherently different than the other products for which survey results were requested. Examiner has modified the rejection of claim 1 to accommodate the claim amendments.

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3. Examiner note: the amendments to claims 9 and 10 were previous entered and examined in the office action dated 1/26/07. The rejections to these claims still apply.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title; if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7, 9, 10, 15, 16 and 31 rejected under 35 U.S.C. 103(a) as being anticipated by Matyas, US 6,102,287, in view of West et al, US 6,175,833.

As per claim 1, Matyas teaches establishing communication between a client and a survey collector having previously collected survey results, the results including a composite survey response (column 19, lines 4-15 – buyer requests URL for HTML page from evaluator; the survey collector inherently includes composite survey results since the buyer can request survey results of a plethora of different products, not just the product that is being purchased); receiving by the survey collector a request from the client for the previously collected survey results (column 19, lines 4-15 – the buyer clicks on the hyper-link to request product evaluation information); providing the client with a survey questionnaire from the survey collector (column 19, lines 37-60 – the buyer clicks on the survey link to receive the survey questionnaire over the internet); receiving by the survey collector from the client a survey response to the survey questionnaire (column 19, lines 55-60 – the buyer answers the questions in the survey

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questionnaire); wherein the composite survey is unrelated to the survey questionnaire (column 19, lines 4-15 – the buyer requests to view survey results for several products (inherently including a composite survey response since the buyer is only buying one product). The buyer fills out a survey for the purchased product that is inherently different than the other products for which survey results were requested) but does not explicitly teach providing access to the previously collected survey results to the client only if the survey collector receives a response to the survey questionnaire from the client; and rejecting the client's request for the survey results if a response to the survey questionnaire is not received from the client. West et al teaches presenting survey results to a reader only after the reader has submitted a vote in the survey. Inherently in West et al's system, if the reader does not submit a vote, survey results are not presented. It would have been obvious to one of ordinary skill at the time of the invention to modify Matyas so that survey results are only presented once a user inputs survey opinion as a way to build a database of survey results. This modification would produce the expected result of only showing survey results once a survey questionnaire is completed and submitted. This would ensure the database is updated with new opinions as each reader/customer requests survey results.

As per claim 2, Matyas teaches establishing communication is done via the Internet (figure 8 and column 18, lines 36-41).

As per claim 3, Matyas teaches relating the survey questionnaire by subject matter to the previously collected survey results (column 19, lines 4-54 – the survey questionnaires along with the collected survey results are all related in that they are all directed to product evaluation).

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As per claim 4, Matyas teaches the request for previously collected survey results and the survey questionnaire are related to automotive vehicles (column 19, lines 4-60 – the buyer clicks on a product of interest; a buyer requests a survey that permits the buyer to fill in the survey questionnaire for the purchased product, which inherently could be any purchased product including an automotive vehicle).

As per claim 5, Matyas teaches providing the client with the survey questionnaire includes requesting the identifying indicia from the client (column 15, lines 54-67 and column 16, lines 1-50 – verification that the product was purchased takes place to ensure responses originate from buyer).

As per claim 6, Matyas teaches identifying indicia (column 3, lines 25-35 – the buyer generates and authentication code to include with the survey information; the evaluator verifies the purchase transaction using the authentication code), but does not explicitly teach the indicia is a product identification number. It would have been obvious to one of ordinary skill in the art to correlate the authentication code of Matyas to the actual product by including the product identification number as the authentication code for purposes of verifying the purchase of the product.

As per claim 7, Matyas teaches identifying indicia (column 3, lines 25-35 – the buyer generates and authentication code to include with the survey information; the evaluator verifies the purchase transaction using the authentication code), but does not explicitly teach the indicia is a VIN number. It would have been obvious to one of ordinary skill in the art to correlate the authentication code of Matyas to the actual product or vehicle purchased by including the VIN number as the authentication code for purposes of verifying the purchase of the vehicle.

As per claim 9, Matyas teaches receiving by the survey collector identifying indicia from the client (column 17, lines 1-29 – buyer identification is received); and correlating the identifying indicia with a database to determine if a relationship exists between the identifying indicia and the subject matter of the survey questionnaire (column 17, lines 1-29 – an OK/fail code is generated which indicates whether the buyer with the specific identification purchased a specific product whose name or identifier is given by ID_Product).

As per claim 10, Matyas teaches receiving by the survey collector identifying indicia from the client (column 17, lines 1-29 – buyer identification is received); and correlating the identifying indicia with a database to determine determining if a relationship exists between the identifying indicia and the client (column 17, lines 1-29 – an OK/fail code is generated which indicates whether the buyer with the specific identification purchased a specific product whose name or identifier is given by ID_Product).

As per claim 15, Matyas teaches the client is denied access to the previously collected survey results if no relationship is found between the indicia and the client (column 8, lines 50-67 – registration is needed to access the system, if registration is denied, one cannot access survey results or anything associated with the system).

As per claim 16, Matyas teaches assimilating the survey response into a composite survey response (column 19, lines 29-54 – each survey response is received by the system and stored as a response).

As per claim 31, Matyas teaches receiving by the survey collector identifying indicia from the client (column 3, lines 25-35; column 17, lines 1-35); correlating the identifying indicia with a database to determine if the client is a registered member (column 17, lines 1-29); and

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providing access to the previously collected survey results only if the client is also a registered member (column 10, lines 43-52 – one can only use the system after registering his public key).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brinkerhoff, US 6,963,848 – method and system of obtaining consumer reviews

Lerner, US 5,526,257 – product evaluation system

Ushioda et al, US 6,739,508 – evaluation apparatus with voting system, evaluation method with voting system, and a computer product

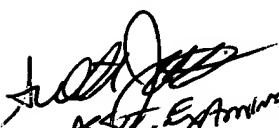
Petras et al, US 7,143,089 – system for creating and maintaining a database of information utilizing user opinions (guests earn access to database content by providing ratings, comments, opinions, etc.)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnna R. Loftis whose telephone number is 571-272-6736. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


/JL/
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